



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on March 22, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-96-2025 - 10

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Evergreen International Airlines, Inc.** filed **2/22/2002**

XX Waiver of 90-day dormancy condition:

Evergreen has applied for a waiver of the 90-day dormancy condition with respect to its allocation of three weekly U.S.-Russia all-cargo frequencies for services between Anchorage, on the one hand, and Khabarovsk, Petropavlovsk, Vladivostok and Yuzhno-Sakhalinsk, Russia, on the other. Evergreen requests a waiver of the dormancy condition from April 1, 2002, through November 8, 2002.¹ Evergreen states that the adverse effects of the events of September 11, 2001, continue to be felt in the U.S.-Russia all-cargo market, making it uneconomic for Evergreen to resume freighter services for the foreseeable future. Evergreen states that it intends to reenter this market and anticipates that day will come well before the expiration of the additional waiver it requests here. Evergreen states that the waiver will afford it the flexibility to resume service as soon as economic conditions warrant.

No answers to the application were filed.

Applicant rep: **David H. Coburn (202) 429-8063** DOT Analyst: **Linda W. Senese (202) 366-2367**

DISPOSITION

XX Granted. (See Remarks below.)

The above action was effective when taken: **March 22, 2002,** through **November 8, 2002,**²

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Remarks: By Order 2001-11-15, following the events of September 11, 2001, the Department granted all U.S. carriers a blanket waiver from the dormancy conditions related to their international route authorities through March 31, 2002. The Department stated that it would entertain applications to extend the dormancy waiver beyond March 31 for specific city-pair, limited-entry services where carriers can demonstrate that circumstances warrant. While we have granted Evergreen's request here, as in the public interest, based on the circumstances stated in the request, there should be no expectation that an additional request will similarly be granted. Any future requests to
(See Reverse Side)

¹ Evergreen notes that its underlying exemption authority expires November 8, 2002, but states that it intends to file a timely application to renew that exemption along with this request, if necessary at that time, to further extend the dormancy waiver beyond November 8, 2002.

² Evergreen's waiver from the dormancy condition is effective through November 8, 2002, or until the date on which Evergreen begins service with these frequencies, whichever occurs earlier. The 90-day dormancy period will begin on the date Evergreen begins service. As to any frequency with which Evergreen does not begin service by November 8, 2002, its frequency allocation with respect to that frequency expires automatically.

extend the dormancy waiver for the frequencies at issue here will have to be considered in light of the specific arguments offered in support of the request and any comments that might be filed in response, and in the context of the circumstances present at that time. Furthermore, should another carrier seek to use the frequencies at issue here, we reserve the right to reexamine whether the waiver granted here continues to be in the public interest.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR § 385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this order is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*